REMARKS

This application is believed to be in condition for allowance, and reconsideration is respectfully requested.

Claims 1-12 remain pending in the application.

Claims 1-12 stand rejected under 35 USC §103(a) as being unpatentable over SIDIKOU-SEYNI et al. 1992 ("SIDIKOU-SEYNI") in view of TAN et al. 1990 ("TAN") and the discussion of the RICK article at the paragraph bridging pages 2 and 3 and page 3, 1st and 2nd paragraphs of the present specification ("RICK") and further in view of DELESALLE et al. US 6,803,497 ("DELESALLE"). This rejection is respectfully traversed for the reasons that follow.

The Examiner's attention is respectfully directed to the 37 CFR 1.132 Declaration by Alain LECOMPTE in the appendix of this response, which is referred to in the arguments below.

SIDIKOU-SEYNI

As recognized by the Official Action, SIDIKOU-SEYNI does not teach the steps of selfing F1 hybrids to produce F2 hybrids and forcing the plants under the specified conditions of claim 1.

The Examiner's attention is respectfully directed to items 5 and 6 of the declaration, which explains why one of ordinary skill in the art of plant breeding would not consider the F1 plants obtained by SIDIKOU-SEYNI as recombinant plants.

Indeed, SIDIKOU-SEYNI exclusively discloses F1 generation hybrid plants that have been propagated by in vitro cloning. Specifically, SIDIKOU-SEYNI teaches *in vitro* multiplication of the "474" plant through methods of plant regeneration from protoplasts. Thus, the plants obtained by SIDIKOU-SEYNI are clones of the "474" plants, i.e., still F1 hybrid plants, and not subsequent generation plants, e.g., F2 plants, as claimed.

As the aim of SIDIKOU-SEYNI is simply cloning, not obtaining hybrid plants of further generation(s), then one skilled in the art would have found strictly no motivation in SIDIKOU-SEYNI to obtain hybrid plants of further generation(s), including hybrid plants of F2 generation by self-fertilization of F1 generation hybrid plants like in step b) of the claimed method.

Indeed, the one skilled in the art would have found strictly no suggestion in SIDIKOU-SEYNI that would have guided him towards performing the specific steps c) and d) that follow the self-fertilization step of the claimed method.

TAN

The Examiner's attention is respectfully directed to the declaration in the appendix of this response for an explanation of TAN. As explained in detail in items 9 and 10, for example, the forcing conditions of TAN exclusively refer to

conventional forcing conditions that were used for decades for cultivating chicory.

The Official Action recognizes that TAN fails to disclose or suggest the specific claimed forcing conditions. Thus, even if one were to use the forcing conditions disclosed by TAN, one would not have arrived at the claimed method. Furthermore, as it is also explained in the declaration, it is not true that one of ordinary skill in the art would have been able to adapt the forcing conditions disclosed by TAN for arriving at the claimed forcing conditions. The single reason for this is that the purpose of a forcing step performed in a cultivation processing of chicory plants are completely distinct from the purpose of the forcing step used in the claimed breeding method.

Thus, TAN fails to remedy the shortcomings of SIDIKOU-SEYNI for reference purposes.

RICK

The Examiner's attention is respectfully directed to items 11 and 12 of the declaration, where the method of RICK is discussed in detail. The declaration describes the very poor quality and the weakness of the F2 generation plants obtained by self fertilizing the Fl generation plants obtained after crossing *Cichorium Intybus* and *Cichorium Endivia*.

Accordingly, one of ordinary skill in the art would have been discouraged by the teachings of RICK to generate F2 hybrid plants by self fertilizing F1 hybrids.

Moreover, even if one skilled in the art would have performed a step of self fertilization of the F1 generation plants in view of obtaining F2 generation plants, one would not have arrived at the claimed invention, since the method of RICK ends at the step of obtaining the F2 generation plants by self-fertilization.

Thus, RICK, like TAN, fails to remedy the shortcomings of SIDIKOU-SEYNI for reference purposes to arrive at the claimed invention.

DELESALLE

The Examiner's attention is respectfully directed to items 13 and 14 of the declaration.

At best, DELESALLE suggests that the recombinant plants from *Cichorium Intybus* may be crossed with a none-recombinant plant from *Cichorium Intybus*, and that a recombinant plant of *Cichorium Endivia* may be crossed with a non-recombinant plant from *Cichorium Endivia* (see column 2, lines 62-67).

Thus, DELESALLE also fails to remedy the shortcomings of SIDIKOU-SEYNI for reference purposes.

Therefore, the proposed combination of SIDIKOU-SEYNI, TAN, RICK, and DELESALLE does not render obvious the claimed invention, and withdrawal of the rejection is respectfully requested.

In view of the foregoing remarks and the declaration in the appendix, the application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item(s):

- a 37 CFR 1.132 Declaration of Alain LECOMPTE